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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision : 17th July, 2019

+ LPA 431/2019 and CM No. 30144-30145/2019

RAJNI GUPTA

..... Appellant

Through: Mr. Roopesh Kanwar, Adv.

versus

HINDUSTAN PETROLEUM CORPORATION LIMITED

..... Respondent

Through: Mr. Rikesh Singh, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM No. 30144/2019 (*condonation of delay*)

1. This application has been preferred under Section 5 of the Limitation Act for condonation of delay of five days in preferring this appeal.

2. Having heard learned Counsel for the appellant (original petitioner) and looking to the reasons stated in this application, there are reasonable reasons for condonation of delay, we therefore condone the delay in preferring this appeal.

3. The application is allowed and disposed of.

CM No. 30145/2019 (exemption)

4. Exemption allowed, subject to all just exceptions.

5. The application is disposed of.

LPA 431/2019

1. This appeal has been preferred by the original petitioner whose writ petition being W.P.(C) 750/2016 was dismissed by the learned Single Judge *vide* order dated 11th April, 2019 (Annexure P-1 of the petition) whereby the prayer for getting a distributorship of LPG at Nand Nagri, District North East, Delhi was not granted by this Court and the communication dated 7th October, 2015 issued by the respondent company was not interfered with by the learned Single Judge. By the said communication, HPCL has cancelled the candidature of the appellant for the allocation of the gas distributorship.

2. Having heard learned Counsel for the appellant (original petitioner) and looking to the facts and circumstances of the case, it appears that applications were invited by HPCL for distributorship of LPG gas at Nand Nagri, North East, Delhi. The appellant applied for

the same on 10th October, 2013 and without conducting any draw of lots, the appellant was selected.

3. It further appears from the guidelines issued by the respondent, which are at page no. 179 of this appeal, that for the allotment of the gas distributorship the applicant ought to be the owner of the land upon which the godown is situated.

4. The documents for the ownership of the land could not be produced by this appellant. The so called gift deed dated 16th June, 2010, presented by the appellant (original petitioner), is not a valid gift deed looking to the narration of the ownership as mentioned in the order of the learned Single Judge especially from paragraph 8 onwards.

5. The original owner is somebody else and the gift is given by some third party which is not permissible in the eyes of law. The land in question is mutated in the name of original owner namely Horam. The gift is not given by the original owner, nor the name of the appellant (original petitioner) is mutated in the revenue records. These aspects of the matter have been properly appreciated by the learned Single Judge while deciding W.P.(C) 750/2016 *vide* order dated 11th April, 2019.

6. We are in full agreement with the reasons given by the learned Single Judge for not interfering with the order dated 7th October, 2015 passed by the respondent-HPCL whereby the candidature of the

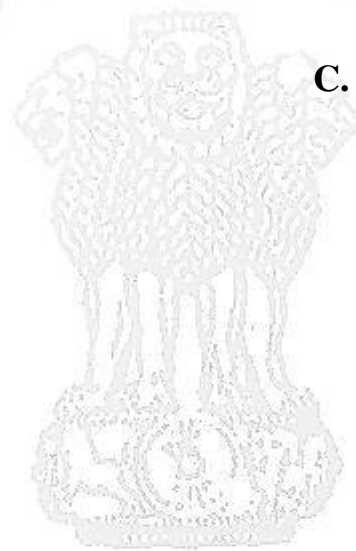
appellant has been cancelled for the allotment of the gas distributorship.

7. Hence, there is no substance in this appeal and the same is therefore dismissed.

CHIEF JUSTICE

C. HARI SHANKAR, J.

JULY 17, 2019/kr



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